

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>DAVIE STACKER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>No.</b>
	)	<b>JURY DEMAND</b>
<b>WALMART, INC., d/b/a WALMART</b>	)	
<b>SUPERCENTER</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Defendant Wal-Mart Stores East, L.P.<sup>1</sup> (incorrectly sued as Walmart, Inc., d/b/a Walmart Supercenter) hereby gives Notice of the removal pursuant to 28 U.S.C. § 1441 et. seq., of the following action filed against it: David Stacker v. Walmart, Inc., d/b/a Walmart Supercenter; In the Circuit Court for Montgomery County, Tennessee; No. CC-2020-CV-1401. Copies of the summons and complaint are attached as Exhibits A and B, respectively. Plaintiff is a citizen and resident of Montgomery County, Tennessee. Defendant Wal-Mart Stores East, L.P. is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.

Jurisdiction is conferred under 28 U.S.C. § 1332 relating to diversity of citizenship of the parties. The parties are citizens of different states. Plaintiff seeks \$1,000,000 in damages, which is in excess of the federal jurisdictional requisite.

---

<sup>1</sup>Wal-Mart Stores East, L.P. owns and operates the subject premises known as Wal-Mart in Clarksville, Tennessee. Therefore, Wal-Mart Stores East, L.P. should be substituted in the place of Walmart, Inc., d/b/a Walmart Supercenter as the proper named defendant.

Wal-Mart was served on September 23, 2020. It has been less than thirty (30) days since Wal-Mart was served the summons and complaint. This Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446(b).

**WHEREFORE**, Wal-Mart hereby gives Notice of the removal of this action pending in the Circuit Court for Montgomery County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division, and requests that the proceedings be held thereon.

s/ Greg Callaway  
Greg Callaway, No. 18575  
Howell & Fisher, PLLC  
3310 West End Avenue, Suite 550  
Nashville, TN 37203  
Direct: (615) 921-5226  
Office: (615) 244-3370  
Fax: (615) 244-3518  
Email: gcallaway@howell-fisher.com  
Attorney for Defendant

#### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served via U.S. Mail upon Aaron Woodard, P.O. Box 59446, Nashville, TN 37205 and Davie Stacker, 1112 Upland Terrace, Clarksville, TN 37043; on this 20<sup>th</sup> day of October, 2020.

s/ Greg Callaway